



BEFORE THE ARIZONA CORPORATION COMMISSION

SUSAN BITTER SMITH

Chairman

BOB STUMP

Commissioner

BOB BURNS

Commissioner

DOUG LITTLE

Commissioner

TOM FORESE

Commissioner

Arizona Corporation Commission

DOCKETED

AUG 26 2015

DOCKETED BY

IN THE MATTER OF THE
CANCELLATION OF THE CERTIFICATE
OF CONVENIENCE AND NECESSITY OF
IBFA ACQUISITION COMPANY, LLC.

DOCKET NO. T-04314A-15-0195

DECISION NO. **75246**

ORDER

Open Meeting
August 18 and 19, 2015
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On June 11, 2015, Staff requested Docket No. T-04314A-15-0195 be opened to effect the cancellation of the Certificate of Convenience and Necessity ("CC&N") of IBFA Acquisition Company, LLC ("IBFA").

Background

2. IBFA was granted a CC&N by the Arizona Corporation Commission ("Commission") to provide competitive resold interexchange telecommunications service in Decision No. 69649, dated June 6, 2007. On August 4, 2014, counsel for First Choice Technology, Inc. ("First Choice") and the duly appointed Receiver for IBFA together filed a letter in Docket Nos. T-20400A-14-0296 and T-04314A-14-0296 ("the Acquisition Dockets") to notify the Commission of a Purchase Agreement whereby First Choice acquired substantially all the long distance customer assets of IBFA.¹ As a result

¹ In The Matter of the Application of First Choice Technology, Inc. and IBFA Acquisition Company, LLC for Approval of a Purchase Agreement, Docket Nos. T-20400A-14-0296 and T-04314A-14-0296.

1 of this transaction, IBFA no longer has any customers in Arizona. IBFA has not submitted an
2 application to request a cancellation of its CC&N for interexchange service.

3 3. During the course of the proceeding in the Acquisition Dockets, Staff made several
4 attempts to reach the last known contact of IBFA. A voicemail left at the contact telephone number
5 received no response nor did an email sent to the contact email address. A certified letter referencing
6 the cancellation of IBFA's CC&N was mailed on October 2, 2014, to the last known contact and
7 address. While Staff received notification that the letter had been received and signed for, it also
8 generated no response.

9 4. Given Staff's inability to contact the IBFA representative along with the information
10 presented in the Acquisition Dockets, Staff concluded IBFA no longer exists as a business entity in
11 Arizona. In its Proposed Order in the Acquisition Dockets, at Finding of Fact No. 15, Staff
12 recommended a process to commence cancellation of IBFA's CC&N. The Commission, in Decision
13 No. 74896, dated March 16, 2015, ordered that this process should commence.

14 **Staff's Analysis**

15 5. According to the abovementioned cancellation process, a copy of the Staff Memo and
16 Proposed Order for the for the Acquisition Dockets was to be delivered to IBFA at its last known
17 address and placed in its CC&N docket (Docket No. T-04314A-05-0338). This was completed on
18 February 26, 2015.

19 6. A separate notice was also to be sent to IBFA, with a copy of Decision No. 74896
20 attached, informing IBFA that it had sixty (60) days from the date of the Decision to object to
21 cancellation of its CC&N and request a Hearing or cancellation of its CC&N would occur. This
22 notice was mailed on March 23, 2015, and docketed in the Transfer Docket the same day. IBFA was
23 then given sixty (60) days to respond as described.

24 7. If, after the expiration of the sixty (60) days, there is no response from IBFA, Staff is
25 to docket a Report and Order recommending cancellation of IBFA's CC&N. As no objection or
26 Hearing request has been received from IBFA, Staff submits this Staff Report and Recommended
27 Order.

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Compliance

8. The Consumer Services Section of the Utilities Division reports there were no complaints, inquiries, or opinions filed against IBFA from January 1, 2012, through June 15, 2015. According to the Commission's Corporations Division, IBFA is in good standing. The most recent Utilities Annual Report received from IBFA was on March 28, 2013.

Staff Recommendations

9. For the above stated reason, Staff recommends approval of the cancellation of the CC&N of IBFA to provide competitive resold interexchange telecommunications services in Arizona. Additionally, Staff recommends cancellation of IBFA's tariff that is on file with this Commission.

10. Upon cancellation of its CC&N, IBFA will no longer be authorized to provide competitive resold interexchange telecommunications services in Arizona and, therefore, will no longer be subject to the requirements of Decision No. 69649.

CONCLUSIONS OF LAW

1. IBFA Acquisition Company, LLC is a public service corporation within the meaning of Article XV of the Arizona Constitution.

2. The Commission has jurisdiction over IBFA Acquisition Company, LLC and the subject matter in this filing.

3. The Commission, having reviewed the filing and Staff's Memorandum dated July 23, 2015, concludes that it is in the public interest to approve the cancellation of IBFA Acquisition Company, LLC's CC&N to provide competitive resold interexchange telecommunications service and to cancel its tariff on file with the Commission as proposed and discussed herein.

4. Staff's recommendations are reasonable and should be adopted.

ORDER

IT IS THEREFORE ORDERED that IBFA Acquisition Company, LLC's Certificate of Convenience and Necessity, granted in Commission Decision No. 69649 (June 6, 2007) to provide competitive resold interexchange telecommunications service in Arizona, is hereby cancelled.

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1 IT IS FURTHER ORDERED that IBFA Acquisition Company, LLC's tariff on file with the
2 Commission is hereby cancelled.

3 IT IS FURTHER ORDERED that this Decision shall become effective immediately.
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6 **BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION**

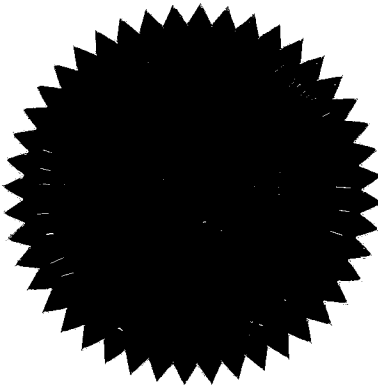
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CHAIRMAN

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COMMISSIONER

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COMMISSIONER

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COMMISSIONER

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COMMISSIONER



IN WITNESS WHEREOF, I, JODI JERICH, Executive
Director of the Arizona Corporation Commission, have
hereunto, set my hand and caused the official seal of this
Commission to be affixed at the Capitol, in the City of
Phoenix, this 20th day of August, 2015.

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JODI JERICH
EXECUTIVE DIRECTOR

DISSENT: _____

DISSENT: _____

SMO:MAC:red/BES

1 SERVICE LIST FOR: IBFA ACQUISITION COMPANY, LLC
2 DOCKET NO. T-04314A-15-0195

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